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6 UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF WASHINGTON

7 CLARENCE WESLEY HURT, III,

8 Plaintiff,

9 vs.

10 SPOKANE COUNTY SHERIFF'S  
11 DEPARTMENT and SPOKANE  
12 COUNTY SHERIFF'S  
DEPARTMENT,

13 Defendants.

NO. CV-08-361-RHW

**ORDER DENYING MOTION  
FOR RECONSIDERATION**

14 Before the Court is Petitioner's handwritten letter, which has been construed  
15 as a motion for reconsideration (Ct. Rec. 41). Because this motion was filed more  
16 than ten days after the entry of judgment dismissing Petitioner's Petition for Writ  
17 of Habeas Corpus, it is untimely and cannot be considered under Fed. R. Civ. Pro.  
18 59(e). The Court thus construes Petitioner's motion as a Motion for Relief from a  
19 Final Judgment under Fed. R. Civ. Pro. 60(b). Petitioner argues that the Court's  
20 order to amend or voluntarily dismiss his complaint was erroneous because  
21 requiring Petitioner to name all Defendants in the caption of his complaint is  
22 contrary to Supreme Court precedent, citing *Jones v. Bock*, 549 U.S. 199 (2007).  
23 *Jones* deals with exhaustion requirements under the Prison Litigation Reform Act,  
24 and is inapposite here. Because the motion fails to present any new evidence,  
25 identify a change in controlling law, or identify any clear error in this Court's entry  
26 of judgment, reconsideration is unnecessary. *See, e.g., Nunes v. Ashcroft*, 375 F.3d  
27 805, 808 (9<sup>th</sup> Cir. 2004).

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2 Accordingly, **IT IS HEREBY ORDERED** that Petitioner's Motion for  
3 Reconsideration (Ct. Rec. 38) is **DENIED**.

4 **IT IS SO ORDERED.** The District Court Executive is directed to enter this  
5 Order and forward a copy to Petitioner.

6 **DATED** this 22<sup>nd</sup> day of June, 2009.

7 *S/ Robert H. Whaley*

8 ROBERT H. WHALEY  
9 Chief United States District Judge

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